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June 17, 2019

VIA EMAIL

The Honorable Kansen Chu  
California State Assembly  
Chair - Assembly Arts, Entertainment,  
Sports, Tourism and Internet Media  
Committee  
State Capitol, Room 3126  
Sacramento, California 95814

The Honorable Jose Medina  
California State Assembly  
Chair - Assembly Higher Education  
Committee  
State Capitol, Room 2141  
Sacramento, California 95814

Dear Chairman Chu and Chairman Medina:

On behalf of the nearly 1,300 NCAA member colleges, universities and conferences, I write to request respectfully that the Committee on Arts, Entertainment, Sports, Tourism and Internet Media and the Committee on Higher Education postpone further consideration of Senate Bill 206, the Fair Pay to Play Act, while we review our rules. We recognize all of the efforts that have been undertaken to develop this bill in the context of complex issues related to the current collegiate model that have been the subject of litigation and much national debate. Nonetheless, when contrasted with current NCAA rules, as drafted the bill threatens to alter materially the principles of intercollegiate athletics and create local differences that would make it impossible to host fair national championships. As a result, it likely would have a negative impact on the exact student-athletes it intends to assist. We believe this initiative necessitates conversations and agreements among member universities and colleges about how we can constructively engage. We humbly ask that the California legislature provide NCAA member schools the time and opportunity to thoroughly assess issues surrounding student-athlete name, image and likeness (NIL), including potential unintended consequences that might arise if SB 206 is passed as written.

In May 2019, the NCAA Board of Governors and I announced the creation of a working group to study potential processes whereby a student-athlete's NIL could be monetized in a fashion that would be consistent with the NCAA's core values, mission and principles. This group of Presidents, conference commissioners, athletics directors and other administrators and student athletes includes Dr. Tim White, Chancellor of the California State University System<sup>1</sup>. The Board made clear that concepts by which

<sup>1</sup> The membership of the working group includes: Val Akerman, Commissioner, Big East Conference; JHL Bodensteiner, Athletics Director, Saint Joseph's University; Bob Bowlsby, Commissioner, Big 12 Conference; Don Bruce, Faculty Athletics Representative, University of Tennessee; Rina Cheng, President, Northern Arizona University; Mary Beth Cooper, President, Springfield College; John DeGuia, President, Georgetown University; Rick George, Athletics Director, University of Colorado; Carolayne Henry, Senior Woman Administrator, Mountain West Conference; Glen Jones, President, Henderson State University; Scott Larson, Deputy Athletics Director, Lubbock Christian University; Jackie McWilliams, Commissioner, Central Intercollegiate Athletics Association; Jere Morehead, President, University of Georgia; Daryl Sims, Athletics Director, University of Wisconsin - Oshkosh; Gene Smith, Athletics Director, The Ohio State University; Tim White, Chancellor, California State University System; Carla Williams, Athletics Director, University of Virginia; and three NCAA student-athletes.

National Collegiate Athletic Association

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student-athletes are considered employees and paid for their athletics participation will not be considered. The working group is expected to provide an update on its work to the Board of Governors at their August meeting and deliver a report to the Board in October. Even though SB 206 has a deferred effective date of 2023, passage of the bill now will create confusion among prospective and current student-athletes and our membership. The impact of a prematurely passed bill would be difficult to untangle.

Like you, the NCAA is committed to providing a fair, inclusive and fulfilling environment for our student-athletes and we recognize that reforms often are necessary to improve the student-athlete experience. We have recently enhanced medical and mental health care, addressed gaps in student-athlete financial aid and addressed the time demands of our student-athletes. However, addressing NIL must be developed and implemented in a manner that maintains the clear demarcation between professional and college sports and ensures that education remains the cornerstone of college sports and the student-athlete experience. On behalf of the Association, I appreciate your consideration of our request.

Warmest Regards,

A handwritten signature in black ink, appearing to read 'Mark Emmert', with a stylized flourish at the end.

Mark Emmert  
President, NCAA

cc: The Honorable Nancy Skinner.